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*In re Application of Bianchi et al.* : 7/3/08  
Appl. No.: 09/941,154 :  
Filed: August 27, 2001 : DECISION ON PETITION  
Attorney Docket Number: RTI-112RIA : UNDER 37 CFR 1.59  
For: ASSEMBLED IMPLANT, INCLUDING MIXED- :  
COMPOSITION SEGMENT :  
: :  
:

This is a renewed decision on the petition under 37 CFR 1.59(b), filed June 2, 2008, to expunge information from the above identified application.

The decision on the petition will be held in abeyance until allowance of the application or mailing of an *Ex parte Quayle* action or a Notice of Abandonment, at which time the petition will be decided.

Petitioners have requested that the copending applications identified in the amendment and response filed June 2, 2008 be expunged from the record. Petitioners have stated that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public. The petition fee set forth in 37 CFR 1.17(g) has been paid.

The decision on the petition is held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time.

Art Unit: 3738

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material, the information may be removed from the official file if all conditions are met. Applicants are reminded that in the case of pending U.S. applications, that their status may change from unpublished to published at some future time. Therefore, an updated petition may be necessary should the material be otherwise made public. The information has been closed from public view for the remainder of prosecution.

Decision held in ABEYANCE.

Any questions regarding this petition decision should be directed to Josie Ballato, Technology Center 3700 Special Programs Examiner at 571-272-3567.



Frederick R. Schmidt, Director  
Technology Center 3700  
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